
	LOS LUNAS POLICE DEPARTMENT		
	ADMINISTRATION	NUMBER: ADM.17.01	EFFECTIVE DATE: June 18, 2010
	SUBJECT: Property and Evidence Control		REVIEW DATE: September 18, 2015
	AMENDS/ SUPERSEDES:	NMSA:	
NMMLEPSC STANDARDS: ADM.17.01-ADM.17.04		APPROVED BY CHIEF OF POLICE NAITHAN G. GURULE  Signature	

I. STATEMENT OF PURPOSE

It is the policy of the Los Lunas Police Department to store evidence and personal property in such a manner as to preserve the integrity of the item in its original received condition, as nearly as possible, and to maintain the chain of custody.

The Los Lunas Police Departments Property and Evidence Unit has the responsibility for receiving, storing, accounting for, disposing of, and releasing evidence or property in compliance with: Federal and State statutes, court decisions, municipal ordinances, and NMMLEPSC Standards

GOALS AND OBJECTIVES

It is the duty and obligation of all employees involved in the property and evidence handling to care for, control and correctly process all property and evidence coming into their possession, and to properly document all such items.

In order to meet these goals, access to the Evidence/Property Section is strictly controlled by the Evidence Technician. Only authorized personnel shall have access to secured storage areas and anyone entering the secure areas of the Evidence/Property Section will be required to sign in and out and state their purpose.

II. EVIDENCE/PROPERTY/FOUND ITEM ACCOUNTABILITY

- A. Officers collecting evidence, property, or found items are responsible for the proper preservation and safeguarding of these items until they have been secured in the evidence locker or released to the Evidence Technician.
1. Officers will ensure that all items have been properly marked prior to being placed into evidence.
 2. No evidence or property will be left unattended, unsecured or turned in to anyone other than the Evidence/Property Section. If an officer collects evidence which needs to be processed, the evidence should first be placed into evidence; the processing officer may then check it out.
 3. Evidence or property **should** be placed into evidence prior to the end of the officers' tour of duty.
 4. The Evidence Technician will be contacted if evidence or property is oversized, has an inordinately high value, or cannot/should not be placed in a temporary storage locker.
 5. If any officer is aware of the disposition of a case, or becomes aware of the disposition of a case, the support services lieutenant will be notified so the evidence associated with the case can be properly disposed.
- B. The Support Services Lieutenant will schedule appointments for citizens for the purpose of releasing or viewing items. All requests related to property or evidence will be handled by the support services lieutenant.

In the absence of the support service lieutenant, a lieutenant from another division will schedule appointments for citizens for the purpose of releasing or viewing items.

III. EVIDENCE TECHNICIAN

- A. The Evidence Technician is responsible for the preservation, safeguarding, and disposition of all property once it is in the custody of evidence.

The Evidence Technician is not responsible for any evidence/property not placed into the Evidence/Property Section, returned to the owner/victim, or returned to another agency without correct paperwork.

B. Duties of the Evidence Technician:

1. Maintain all evidence and property in a secure location designated as the property room.
2. Ensure all evidence is correctly marked and packaged prior to placement in storage.
3. Record all submitted evidence and property as soon as possible.
4. Regularly inspect and empty the temporary storage lockers.
5. Maintain a sign-in log at the entrance to secured storage areas and ensure a signature is being obtained for all persons entering the secure area.
6. Dispose of all property in accordance with standard operating procedures, laws and ordinances.
7. Ensure the Property Management Record System is updated.
8. Maintain a computerized log of all items submitted for evidence or safekeeping. The log shall be maintained in accordance with the Property Section Standard Operating Procedures and shall contain the information documented by the submitting officer on the evidence sheet.

The logs will be available for the purpose of an audit/inspection.

C. The keys for the temporary storage lockers are kept in the office of the Evidence Technician.

D. At a minimum, a quarterly inspection will be conducted by the Support Services Lieutenant or assigned Supervisor to inspect the property room and files to ensure all procedures are being followed, and to ensure proper accountability procedures are being maintained.

If this inspection is unsatisfactory and cannot be corrected, the Support Services Lieutenant may require the evidence section to be closed while a complete inventory is done.

E. An annual audit will be conducted by a supervisor from another division who is designated by the chief of police. The chief of police may authorize an unannounced inspection at any time.

- F. In conjunction with the annual audit, the release and/or disposal of evidence/property will be pursued in accordance with all municipal ordinances, state statutes and court requirements.
- G. If anyone assigned as an evidence technician leaves that position, there will be an inventory of all property being held in evidence. This inventory will be performed by the newly designated evidence technician and a designee of the chief of police.
- H. There will be unannounced inspections of property storage areas. This inspection will be conducted at the discretion of the chief of police.

IV. CHAIN OF CUSTODY

- A. The necessary documentary information found on the property form shall be completed prior to the submission of property or evidence being placed in the temporary storage locker(s) or the Property/Evidence Room.
- B. All property and evidence is labeled with:
 - Case number
 - Time/date
 - Offense/place of occurrence
 - Owner/Victim with known information
 - Offender/arrested with known information
 - Article with complete description
 - Type of property (Evidence/Found Property/Other)
 - Officer's signature, date and time
- C. The evidence technician has the right to refuse any item that does not conform to proper packaging, may have no report, or is illegible. Any such items will be placed into a **trouble locker** if the officer is not on duty. The officer will be notified to correct the deficiency and resubmit the evidence in a timely manner.

If the deficiency is not corrected in a timely manner, the Support Services Lieutenant will be informed by the Evidence Technician.

V. PROCEDURES

All Property/Evidence shall be properly packaged in an approved container prior to storage. Certain items require specific packaging to provide for storage needs in special storage areas.

- A. Approved containers are:
 - 1. Evidence bags,
 - 2. Manila envelopes,
 - 3. Standard brown paper bags,
 - 4. Syringe/blade container,
 - 5. Cardboard boxes
- B. Each piece of property shall have a property sheet completed in the Records Management System along with a barcode label affixed to the storage container.
- C. The property sheet will be filled out with the following:
 - 1. Date: MM/DD/YY
 - 2. Case Number: When an item is placed into property for any reason, a case number must be generated. A computer generated call number is not sufficient.
 - 3. Offense: Write out the appropriate title for the type of report made. (i.e., Auto/Residential Burglary, Assault/Battery, Suicide, etc.)
 - 4. Place of Occurrence: The physical address from where the item(s) were taken. When applicable, this should include the exact location at that address. (i.e., 406 E. Texas - NE bedroom closet.)
 - 5. Owner/Victim, D.O.B., Address, Telephone: When a final case disposition has been received, item(s) placed into property may be released to the owner. The owner may also be the suspect and should be listed as the owner when applicable. When the owner cannot be identified these blanks should be marked "UNKNOWN."
 - 6. Arrested, D.O.B., Address, File #: If the suspect/arrested is also the owner, mark this blank "SAME." If the suspect's identity is not known, mark this blank "UNKNOWN."
 - 7. Description of Property: This area will normally be used for single item entries with the exception of small items being logged together if it meets criteria for packaging of specific items. When more than one item is tagged and

packaged together each item will be listed on the evidence form. (Single entries ex.: Car Stereo, TV, VCR, Cash, Alcohol, Guns, etc.)

- a. Article: The common name of the item should be entered here.
 - b. Brand: ex. Smith & Wesson Sears, etc.
 - c. Model #: ex. MD23357I
 - d. Serial #: If not available, enter NONE; if unreadable, so state; otherwise; enter the complete serial number whenever possible.
 - e. Color:
 - f. Size: ex. 20" bike, 10 speed, 357 mag., 22 cal.
 - g. Other Property Description: Any descriptive information that aids in identifying item(s) listed on card. (i.e., Owner applied identification, SOC.)
 - h. Holding Area: Leave this area blank, it is used by the Evidence Technician only.
 - i. Evidence/Found Property/Other: Select the category that best describes the type of property that you are logging in. If you check other, then write a brief explanation. (i.e., Safekeeping, Detox, Return to Owner.)
 - j. Initial Transaction Information: For use by the evidence Technician only.
 - k. Final Disposition: This is where the disposition will be entered when known, also when property is released, the person receiving the property should sign here.
8. Property Sheet Chain of Custody:
- a. Chain of Custody: Chain of custody will be utilized when the property is removed from the custody of the Evidence Technician. (i.e., court, sent to Crime Lab, photo copies, etc.)
The Chain of Custody will be filled out as follows. Ex. DATE/TIME, FROM/TO/PURPOSE

When the evidence is checked out for court and later returned, the disposition for that day, the

appropriate court and the date should be noted on the property sheet.

D. Property taken for safekeeping from a crash scene.

1. Will be handled the same as evidence.

VI. PACKAGING

A. Plastic Bags

1. These may be used when appropriate; however, nothing wet, bloody or sharp shall be put in plastic bags.
2. The bar code label shall be firmly and securely attached to the package.

B. Paper Bags

1. These may be used when otherwise appropriate, but shall be used for all bloody or damp clothing after it has been dried.
2. The bar code label shall be stapled to the top of the paper bag once it has been folded over to seal the top.

C. Cardboard Boxes

1. Cardboard boxes are not readily available, however when cardboard boxes are used the most appropriate size box shall be used.
2. The bar code label shall be affixed to the box.

D. Manila Envelopes

1. These shall be used for paperwork, small items that are flat.
2. The bar code label shall be attached to the manila envelope.

E. Syringe/blade containers

1. This is a small plastic tube which designed for syringes/blades.
2. The Evidence/Property Section has a supply available for use with syringes and blades.

3. The bar code label shall be firmly and securely attached to the package.

VII. TEMPORARY STORAGE

Since the Evidence/Property Section is only available during specified hours, temporary storage areas have been designated to allow an officer to secure property when needed.

- A. Temporary storage lockers which are located inside of the temporary storage room inside of the booking room.
- B. If items are too large to be stored in temporary lockers; or if after hours and items are too large to be stored in temporary lockers:

The evidence technician will be contacted, to place the item(s) into the evidence room.

VIII. STORAGE PROCEDURES

- A. Firearms

Due to the hazards involved with the handling of firearms, the following procedures will be used when submitting a firearm to Property:

1. All firearms will be unloaded outside the police building. If an officer is unsure of safe unloading procedures for a particular weapon, a firearms instructor or a supervisor shall be contacted for assistance.
2. If a weapon is seized and will need to be processed for prints it shall be packaged in the proper manner and have a notation on the outside of the package in large\bold lettering "Do Not Touch, Needs to be processed".
3. If there is dried blood on a handgun, it should be placed in a paper bag with "bio-hazard" placed on it.
4. Cartridge casings and unfired ammunition removed from the firearm, including magazines, will be secured separately from the firearm.
5. All firearms being place into evidence must have the action open and clear and secured with plastic ties.

B. Knives/Needles/Razors:

Due to the extreme biological hazards associated with these items, special attention and care must be used in collecting, packing, and submitting them.

1. Folding knives shall be closed and placed in their sheaths unless doing so could possibly destroy physical evidence.
2. Knives with exposed blades will be placed between two pieces of cardboard and will be secured to prevent the cardboard from being accidentally removed from the blade.
3. Caution should be used when handling bloody knives. Protective rubber gloves shall be worn as protective measures.
4. Needles and Razors must be securely packaged to avoid accidental exposure or punctures. Needles should be placed in plastic tubes with lids, Razors should be secured with cardboard or paper and tape or placed in a syringe/blade container. The syringe tubes can be obtained from the evidence custodian.

C. Clothing

When it is necessary to dry evidence which is wet with body fluids prior to being packaged, the following procedures will be followed:

1. The evidence will be placed in paper containers as they are collected. Any paper bag or container used to package wet or bloody items will be saved and used to repackage those items when they are fully dried.
2. Any wet or bloody items will be handled by the evidence technician who will ensure proper drying procedures and bio-hazard precautions are adhered to.
 - a. Once placed in the locker, it will be locked and only the Evidence Technicians will have access to it. The locker log will be started.
3. Each item will be packaged separately so that no cross contamination occurs or physical evidence is destroyed. Each package should display the red bio-hazard label.
4. Once any evidence has been removed and appropriately packaged, the locker will be cleaned with an acceptable disinfectant. No locker shall be reused until this occurs. The locker log will also be completed

5. No bloody clothing should be left in any temporary storage except these specially designed lockers.
6. Once the locker log page is filled, it will be maintained in a folder by the Evidence Technician until all evidence pertaining to any listed case has been disposed of.

D. Items of Exceptional Value

These items include but are not limited to money, jewelry, and furs.

1. Money

- a. All money shall be counted and inventoried using the 'two person rule' to insure the integrity of both the officers and the Property Section.
- b. Once the determination has been made to take money into custody the officer shall count the money in front of the person from whom it is being taken, (if applicable).
- c. The submitting officer will count the money again in the presence of a second officer or Department employee. At that time the money will be placed in a currency pouch with the following information written on the outside of the envelope:
 - Offense/ Incident Number
 - Date
 - Dollar Amount
 - Signature of Submitting Officer
 - Signature of Witnessing Officer or Employee
- d. The envelope shall have a bar code label attached to it and placed in a temporary, storage locker or turned over directly to an evidence technician. Money should always be tagged and logged in separately from any other evidence.
- e. When the Evidence Technician completes their daily retrieval, the 'two person rule' will be used again. The envelope will be sealed and both persons will initial the outside of the envelope and evidence card verifying the amount inside.
- f. Once all verification has been made of the total amount, the money will then be logged as property or evidence and the envelope containing the money will be taken to City Hall, receipted and deposited at a local bank.

- g. If there is a discrepancy in the money, it will be returned to a temporary storage locker, the officers will be contacted so the discrepancy can be resolved.
- h. No money will be released for forfeiture without a District Court Order or Federal Order. The Evidence Technician must have written verification before a release will be executed. Upon verification, Evidence Technicians, using the 'two-person rule,' will deposit the money at City Hall, maintaining the original receipt in Evidence and a copy being sent to the Chief's office.

2. Jewelry

- a. Jewelry shall be packaged in manila envelopes when appropriate and always separate from all other property.
- b. Stones should never be referred to as a diamond, sapphire, etc. but as clear stone, blue stone, etc.
- c. Metal jewelry should never be referred to as gold, silver, etc. but as gold-colored, silver-colored, etc.

3. Furs

- a. Since furs require careful storage, which the Department is not equipped to handle, this type of item will be handled on a case-by case basis.
- b. When tagging for submission to evidence, furs should be placed in a paper bag and the property tag attached to the bag.

E. Alcoholic Beverages

- 1. Each container shall be packaged and appropriately identified. This description will include Brand, Size, full/empty, and a total count.
- 2. If the container is not open it may be logged into evidence full. Any open container, which cannot be secured from spillage, will be completely emptied before packaging.
- 3. Always attach the bar code label to the outside of the container.

F. Narcotics, Drugs, Paraphernalia

1. All Narcotics shall be bagged separately from all other property, including paraphernalia.
2. When possible, narcotics should be sealed in a plastic bag. If the amount is too large for a plastic bag it should be sealed in a paper sack. If the amount seized is of considerable size, an on-call detective should be contacted and will assist in packaging.
3. Plastic bags containing narcotics shall be sealed completely. The officer will then attach the bar code label to the bag.
4. On the front of the plastic bag the officer shall write the Offense/Incident number, Date, Defendants name and officer's name.
5. Paraphernalia shall be packaged securely so that small items do not fall through openings.
6. All needles should be packaged in syringe/blade containers. These tubes can be obtained from the evidence technician. Razors shall be placed in tubes or secured in something that they cannot cut through.
7. Any officer who conducts a field test on a drug investigation shall document the results of the field test in their police report.

G. Bicycles

1. Each bicycle shall have a separate property tag. The description shall be as thorough as possible, including Make, Model, Serial number, Color, Style, Size and any other description.
2. Bicycles shall be stored in the long-term storage area located at the Village maintenance yard.
3. The property tag shall be attached to the bicycle when it is placed in the long-term storage area.

H. Flammable and Hazardous Materials

1. The department does not store or handle flammable or hazardous material.

I. Evidentiary Photographs/checks/misc. papers

1. Photographs and paperwork are placed in an appropriate manila envelope. The envelope is labeled with the case number, offense and date. Each envelope shall have an bar code label attached.
2. These items are stored sequentially in a designated file cabinet in a secure area.

J. Perishables and Blood

1. Perishables include fresh blood, meat, produce, candy, cookies, plants (other than contraband), dairy products or any other item subject to rapid deterioration, which has a limited shelf life or should be refrigerated.
2. All perishables shall be immediately photographed and released. All photographs and copies shall then be entered into evidence according to procedures listed above.

K. Video Recordings

- 1.——Video or audio recording of evidentiary value should be tagged into evidence as procedures dictate.

L. COMPUTER EQUIPMENT

Computer equipment can be severely damaged or data lost due to improper shutdown procedures. The following guidelines should be used when seizing computer equipment as evidence:

1. If the computer is in operation at the time of seizure, steps will be taken to ensure the computer is shut-down properly. If the officer is unsure, he/she should contact the computer crimes unit or the Village IT department.
2. During transport of the computer and/or equipment steps should be taken to ensure it is not dropped, turned upside down or on its side.
3. Any computer equipment should be placed into plastic bags to protect it from dust, etc. and tagged accordingly.
4. Due to potential for damage to the printer, the printer cartridge should be removed and stored in a separate plastic bag, if the removal does not hamper an on-going investigation. This removal should be done by the investigating detective.
5. Any floppy disks should be stored in an area which has a controlled environment, as extreme temperature changes could damage the disk. Disk(s) will be placed into a small manila envelope and tagged accordingly. This may require they are packaged separately from other evidence.
6. Scanners should be treated carefully and prior to transport determine if there is a locking mechanism to engage.
7. All computer equipment should be examined by a person

skilled in computer operation, prior to start up.

IX. TEMPORARY RELEASE

A. Authorized Release

1. Property/Evidence may be temporarily checked out of the Property Section by employees when authorized. This authorization may be for court, processing or identification purposes.
2. Property may be checked out when necessary for court appearance, transportation to a crime analysis lab or by an investigating officer.
3. If the officer assigned to the case has left the employment of the Department, for whatever reason, and no other officers were assigned to the case, the Evidence Technician will be required to produce the evidence in court.

B. Check Out Procedures

1. The requesting officer furnishes the case number in writing 72 hours in advance for the property in question to the support service lieutenant. The Evidence Technician then retrieves the property from the storage bin.
2. The appropriate chain-of-custody information is completed on the evidence sheet.
3. A periodic check on the status of the property is completed. If the property has been checked out for more than one week, the Evidence Technician determines its location and assures that its continued check out is necessary.

C. Property Return

1. Checked out property shall be returned by the employee who signed it out. This may be accomplished by either turning it over directly to the Evidence Technician or placing it in a temporary storage locker.
2. Before the Evidence Technician acknowledges receipt of the property back into the Property Section, it will be inventoried.

If there is a discrepancy, the Evidence Technician will not continue. An attempt will be made to correct the discrepancy, if none can be made; the Evidence Technician will note the discrepancy on the evidence tag, notify the officers' immediate

supervisor and complete a supplemental report.

3. The property will be returned to the originally assigned bin or storage location by the Evidence Technician.

D. Court Retention of Property

1. If the property is retained by the court the employee shall notify the Evidence Technician in a timely manner.
2. If the court retains only a portion of the property the employee shall return the remainder of the property and notify the Evidence Technician of exactly which items were held.
3. The Evidence Technician makes a notation on the property sheet of any such retention.

E. Laboratory Submission

1. The chain-of-custody on the property sheet shall be completed when property is checked out to be sent to a laboratory for analysis. The requesting employee shall fill out a laboratory submittal form (lab receipt) along with a request for written laboratory results and package the property that is to be sent.

When packaged for laboratory submittal, the packaging must conform to US Postal Service guidelines or safety considerations for personal transfer. In order to maintain the chain-of- evidence, any evidence which is mailed will be done so via registered mail. If the package is not able to be shipped via mail, the Evidence Technician will hand deliver the evidence to the lab along with the laboratory submittal form which is signed by the agent who receives the evidence. The package will then be returned via the same method of transfer.

2. The determination of the method of transfer will be made by the support services lieutenant.
3. Property returned from a laboratory is handled in the same way as other property being returned with the exception that a complete inventory may not be possible because any evidence seals will not be tampered with. The property shall have the original case number and evidence sheet attached and is returned to its original location in the

Property/Evidence Room.

X. DISPOSITION OF PROPERTY

All items will be released to the rightful owner or will be disposed of by the Evidence Technician in accordance with municipal ordinances, state statutes, or court order. Property unclaimed by the owner, that is no longer required for evidentiary purposes, is not needed for any public purpose, or has been left in the possession of the Department for more than 90 days shall be sent to the warehouse for auction, reverted to City use, or destroyed. Cash money is receipted at City Hall and deposited into the General Fund.

A. Evidence

Once property is seized, it automatically becomes the property of the Los Lunas Police Department, until a disposition is received and/or an authorization to release it by the seizing officer or the assigned detective.

B. Found Property

Prior to placing any found property into evidence, officers will attempt to identify the owner and return the property. If contact with the owner cannot be made during an officer's tour of duty, the item will be tagged into Evidence as found property.

1. Officers shall obtain pertinent information from the finding party including name, address, and phone number. Information concerning the finding party should be reflected on the evidence tag. If contact is made after the item has been tagged into Evidence, the owner will be provided the case number to assist in the return of the property.
2. Whenever any found property has remained unclaimed for more than 90 days, Evidence Technicians will destroy or send to the warehouse for auction any property not claimed by the person who originally turned it in as found.

C. Safekeeping Property

1. Property may be tagged into the Evidence Unit for safekeeping when:
 - a. The officer has exhausted all other possibilities of disposing

of the property,

2. The submitting officer will notify the owner that the property is being held by the Property Section and must be picked up within 30 days.
 - a. The date, time, and method of notification will be noted on the evidence sheet.
 - b. The officer should notify the owner of the operational hours of the Property Section.
 - c. If the property is not claimed by the owner or an authorized representative within 30 days, it will be disposed of in accordance with state law.
 - d. No contraband will be accepted for safekeeping.
 - e. Objects or articles of a non-evidentiary nature should be left with the next of kin or secured at the scene at the time of the preliminary investigation. Property that is taken into police custody shall be tagged and logged into the Property Section for safekeeping. This property shall not be released to anyone other than the court or a person authorized to receive them by either a court order or the Property Section supervisor.

Prescription drugs belonging to the deceased and seized as part of the preliminary investigation will not be released to a next of kin. Upon completion of the investigation, the drugs will be destroyed in accordance with Evidence Unit procedures.

D. Homicides/Sexual Assaults

1. Evidence from any Homicide case will be maintained as long as determined by the District Attorney's Office.
2. Sexual Assault Kits from any Sexual Assault case will be maintained as long as determined by the District Attorney's Office.

XI. DELINQUENT NOTICE

- A. If an item has been authorized for release and the owner has been notified, but has not taken possession of the item within a reasonable time, the Evidence Technician, shall send a delinquent notice by mail to the owner to remind the owner to

take possession of the item(s).

- B. The owner will have 10 working days to pick up the property. After this time, if the property has not been picked up by the owner, it will be destroyed or sent to the warehouse for auction.
- C. The Evidence Technician shall make every possible effort to contact the owner of the property.

XII. EVIDENCE SUBMITTED TO OUTSIDE AGENCIES

- A. Evidence that is transferred from a scene or an officer's custody directly to an outside facility, bypassing the department's property section, must still be cataloged by the evidence technician. This will be done from a completed evidence sheet that shows the full chain-of-custody on it.
 - 1. An inventory list or a receipt for evidence submitted to a facility other than the department's property section should be submitted to the evidence technician.
 - 2. The information will be entered into the property control computer so that the location and status of the evidence can be tracked.
- B. If this Department recovers stolen property for another agency, that agency must provide verification prior to the release of any property.

XIII. STORED AGENCY PROPERTY

- A. Stored agency property will be maintained in a state of operational readiness.
- B. It is the responsibility of each division commander to make sure that the stored property under his or her division is maintained in a state of operational readiness.